

### Minutes: Board of Appeals, April 3, 2006

The meeting was called to order at 8:00 p.m. in the Town Hall, 66 Westford Street. Board Members Cindy Nock (Chair), Steve Kirk (Clerk), Associate Members: Ed Rolfe, Steve Hinton, Emmanuel Crespo, Town Counsel Dan Hill, board secretary Julie Levey, the applicant, and interested parties were present.

Nock opened the continued hearing for **Case 0513, the application of Coventry Woods, MCO & Associates, Inc.** request for a Comprehensive Permit under Massachusetts General Laws Chapter 40B for the construction of a fifty-six unit, age restricted (55+) condominium development to be located off Concord Street.

The following exhibits were entered into the record:

51	Memo dated March 27, 2006	Board of Health
52	Maps	Revised conceptual plan maps (2 pgs) of 41 unit proposed layout
53	Memo dated April 3, 2006	David Flannery, Fire Chief

Hill explained that negotiations between the applicants, Board of Selectmen, former Board of Selectman John Ballantine, and abutters had resulted in a revised development plan. The proposed development would have 41 units, 12 of which would be designated for affordable housing. The applicant was willing to reduce the number of units to 40 with 10 being designated as affordable housing. The Board of Selectmen requested 12 affordable units, allowing the town a one-year moratorium on 40B projects. The applicant said the project would be uneconomic for him at 40 units, 12 affordable. However, if an additional market rate unit were added, it would subsidize the extra affordable units. Additionally, for the project to be economically reasonable to the applicant, a grant from the town's CPA fund will be requested at Town Meeting and an adjusted affordable house price of \$183,000 will be requested of Mass Housing.

Applicant O'Hagan presented the conceptual plan for the proposed 41 units. O'Hagan said the revised plan addressed town and abutter density concerns. The new plan removes the buildings that were located closest to the abutters. O'Hagan informed the hearing that the affordable units would need to be slightly smaller and be interior units. The development would no longer be age restricted. O'Hagan said with these changes the development would need to appeal to a broader market and require more flexibility for floor plans, i.e., not all units would have a first floor master bedroom. O'Hagan felt that removing the age restriction would not be an issue with Mass Housing. The new design also required a reduction in the park/open space area and allowed for a better roadway design.

O'Hagan walked the property with the abutters in an attempt to find out the needs of the neighbors, to share the landscape vision and discern fencing requirements. Unit designs have been changed to a lower rear profile thereby being less intrusive to the abutters.

The applicant met with the Fire Chief. The Fire Chief agreed with the new layout. They discussed the sprinkler system and drainage concerns. The Fire Chief was also concerned with Visitor Parking. The applicant will add parking at the rear of the cul de sac and some parallel spaces around the center island. Also requested were fire lane postings. The applicant will also include the fire cistern particulars requested by the Fire Chief.

O'Hagan explained that the water requirement rate would actually increase with this design because the units are no longer age restricted. The five well design remains the same as in the previous plan. The applicant will evaluate abutters' wells when they are drilling the development's wells.

O'Hagan said once they received feedback from the board, they would provide more detailed plans and designs on the 41 unit proposed development.

In response to Nock, Hill said if the board endorsed the new plan, the applicant should provide detailed plans, the Peer Review Consultant should then evaluate the plans and the board should focus on moving forward with their review of this new plan.

In response to Nock, Hill explained that as part of the agreement between the Board of Selectmen and the applicant, the price for the affordable units would be \$183,000.

In response to Nock, O'Hagan felt that Mass Housing would look favorably on the change of status in the development from 55+ age restricted to non-restricted. O'Hagan also said if the CPA grant and housing price are not approved, then he will move forward on 40 units with 10 affordable units.

In response to Nock, O'Hagan said the units would be a variety of styles - some of which would have the master bedroom on the first floor. In response to Kirk, O'Hagan said the number of each style would depend upon market demand. In response to Rolfe, O'Hagan said he would need both the CPA grant and the \$183K pricing for the 41 unit plan. In response to Rolfe, O'Hagan said he did not know at this stage whether the cistern would require a dedicated well.

In response to Crespo, Hill explained that the Selectmen would ask for a grant from the CPC. Hill noted that 10% of the CPC funds are to be dedicated to affordable housing.

In response to Hinton, O'Hagan said private gardens had not been incorporated into the preliminary plan but he would ask the landscape engineer to look into it.

In response to Hinton, O'Hagan said the town would receive credit for the 12 units once the Comprehensive Permit was approved. After a brief discussion, it was determined that the one-year moratorium on other 40B projects would begin as of the date of requested certification. O'Hagan noted that the moratorium on this project along with the Benfield property plan would provide a 3-year relief for the town.

In response to Rolfe, O'Hagan said he would provide a waiver list. In response to Nock, Hill said he would provide an issue list as part of the comprehensive permit decision he would draft. O'Hagan agreed that preparing and drafting the permit decision helps to list and monitor issues.

In response to Rolfe, Hill said a complete traffic study was not required at this time but the Peer Review Consultant would look at it in the course of his review and recommend any conditions that might be necessary.

In response to Nock, Hill said the abutters and applicants would discuss and agree on a protocol for well testing. Abutter Alex Parker suggested a hydrologist be added to the review team. He suggested Tony Mariano and estimated the cost of the initial analysis to be about \$3,000.

Selectman Doug Stevenson thanked all the parties involved in the negotiation and lent his support to the new plan.

Abutter Mike Epstein also thanked the applicant and Board of Selectmen for the negotiation of the new plan. Epstein said a Memo of Understanding still needed to be finalized as well as an agreement on water testing protocol. He also called for more detailed plans once the conceptual plan is agreed upon.

Nock said the Board of Appeals was thrilled with the new plan. She said it was a great achievement for the town and hoped that it would be a model for future town projects.

The hearing was continued until Monday, May 8, 2006 at 8:00 p.m. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Julie Connor Levey, Secretary